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REMARKS

This amendment is intended as a full and complete response to the Office Action mailed November 17, 2003. In the Office Action, the Examiner notes that claims 1-65 are pending, of which claims 1-65 stand rejected. By this amendment, claims 7, 40, 45, 51, 58, and 62 and claims 1-6, 8-39, 41-44, 46-50, 52-57, 59-61, and 63-65 continue unamended.

In view of both the amendments presented above and the following discussion, the applicant submits that none of the claims now pending in the application are non-enabling, anticipated, or obvious under the respective provisions of 35 U.S.C. §112, §102, and §103. Thus, the applicant believes that all of these claims are now in allowable form.

It is to be understood that the applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to applicant's subject matter recited in the pending claims. Further, applicant is not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant responsive amendments.

IN THE SPECIFICATION:

The Applicant has amended the specification to provide minor grammatical corrections and change reference designations to conform to the reference designations in the drawings. Such grammatical corrections or reference designation changes do not add any new subject matter to the application.

REJECTIONS

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112

The Examiner has rejected claims 51 and 58 under 35 U.S.C. §112, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Specifically, the Examiner states that "claims 51

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and 58 have insignificant antecedent basis because they recite "The method for providing..." in line 1 of each claim. Applicants respectfully traverse the rejection.

The Applicants have amended independent claims 51 and 58 to provide proper antecedent basis. In particular, the Applicants have amended the preamble of independent claims 51 and 58 to recite "A method for providing" from the previous "The method for providing." As such, the Applicants submit that independent claims 51 and 58, as amended, now have sufficient antecedent basis. Therefore, the Applicants respectfully request that the rejection be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102

A. Claims 1-6

The Examiner has rejected claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Killian U.S. Patent No. 6,163,316 (hereinafter "Killian"). The applicants respectfully traverse the rejection.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984)(citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). Killian fails to disclose each and every element of the claimed invention, as arranged in the claim.

Applicants' independent claim 1 (and similarly independent claim 4) recites:

"A data structure, comprising:
a plurality of logically linked applets, each of said
applets defining a graphical layer, a video layer and a control
layer, said control layer of each respective applet logically
linking a graphical layer object to another applet."

In particular, the Killian reference fails to teach the feature of a plurality of logically linked applets, each of said applets defining a graphical layer, a video layer, and a control layer. Rather, the Killian reference merely discloses an electronic programming guide JAVA applet or application that provides various functionalities that allow viewers to more intelligently select, schedule, and record viewing opportunities

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according to viewer profiles and information retrieved from database 48. (See, Killian, col. 5, lines 1-10).

In particular, the Killian discloses "Fourth level 57 includes a JAVA toolkit 58 having a collection of APIs 60 that cooperate with JAVA operating system 56 to allow JAVA applets 64 and applications 62 in fifth level 59 to perform functionalities associated with JAVA applets 64 and applications 62. In one embodiment, APIs 60 of toolkit 58 allow platform 12 to support JAVA applets 64 downloaded from the Internet over link 14, JAVA applications 62 installed locally on receiver 10 or any processing platform associated with receiver 10, or any other appropriate JAVA program that uses the television-related functionalities of APIs 60." (See, Killian, col. 6, lines 32-42).

Nowhere in the Killian reference is there any teach, or even suggestion, that the JAVA applets are logically linked applets, and each of the applets define a graphical layer, a video layer, and a control layer, where the control layer of each respective applet logically links a graphical layer object to another applet. Rather, the Killian reference is completely silent in regard to the contents or formation of a JAVA applet.

It is instructive to clearly understand the definition of an applet. It is especially instructive to understand the definition of the claimed applet and the claimed structure associated with the claimed applet. The term "applet" is commonly understood to mean a small program (i.e., "applet") designed to run within another program (i.e., "application"). A common example of an applet is a Java applet running within hypertext mark up language (HTML) page within a browser, such as the Netscape Navigator.

Within the context of the subject invention, a specific type of applet is utilized and described beginning on page 13, line 30, where, the Applicants clearly define in their specification that "the background video comprises a video layer, while the overlay or foreground video comprises a graphics layer. The generation of both the video layer and graphics layer is controlled by a control layer. Briefly, the video layer comprises displayed video images produced using, e.g., information contained in an applet. The graphics layer comprises OSD (overlay(s) including graphical objects that are associated with applets stored in either subscriber or provider equipment. The OSD overlay(s) are displayed over the video layer. The control layer comprises a command processing and logical operations layer. The control layer retrieves the applets

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associated with graphic layer objects selected by a user, executes the applets, and provides video information to the video layer and object information to the graphics layer." (See, Applicants' specification, page 13, line 30 to page 14, line 9). Therefore, since the Killian reference fails to teach, or even suggest, that the JAVA applet is defined by a video layer, a graphic layer, and a control layer, the Killian reference fails to teach each and every element of the claimed invention as arranged in the claim.

As such, the applicant submits that independent claims 1 and 4 are not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-3 and 5-6 depend, either directly or indirectly, from independent claims 1 and 4 and recite additional features thereof. As such, and for at least the same reasons discussed above, the applicant submits that these dependent claims also fully satisfy the requirements under 35 U.S.C. § 102 and are patentable thereunder. Therefore, the applicant respectfully requests that the rejection of claims 1-6 be withdrawn.

B. Claims 7-65

The Examiner has rejected claims 7-65 under 35 U.S.C. §102(e) as being anticipated by Davis et al. U.S. Patent No. 5,822,123 (hereinafter "Davis"). Applicants respectfully traverse the rejection.

The Applicants have amended independent claim 7, 40, 45, 51, 58, and 62 to further clarify the features that the Applicants consider as being inventive. In particular, independent claim 7 (and similarly, independent claims 40, 45, 51, 58 and 62), as amended, recites:

"A guide page comprising:
a video layer comprising a plurality of title objects,
wherein the video layer is derived from a video stream
received from a transmission source; and
a graphics layer comprising a plurality of overlay objects, wherein each of the overlay objects is associated with a respective title object in the video layer and is selectively controlled to visually emphasize or de-emphasize a title object in the videotape of said guide page." (Emphasis added)

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The Davis reference fails to teach each and every element of the claimed invention, as arranged in the claim. Significantly, the Davis reference discloses "the data stream may contain, for example, information about programs or services available in a particular market, geographical or otherwise. The input signal 11 can originate, for example, as part of a standard broadcast, cablecast or satellite transmission, or other form of data transmission. The transmitted data stream may additionally contain application software for implementing or updating the electronic program guide at the user's site." (See, Davis col. 9, lines 8-14 and 29-31). Nowhere in the Davis reference is there any teaching, or even suggestion, that the data stream for the electronic program guide is a video stream which includes a video layer comprising a plurality of title objects.

Specifically, "the background video comprises a video layer, while the overlay or foreground video comprises a graphics layer. The generation of both the video layer and graphics layer is controlled by a control layer. Briefly, the video layer comprises displayed video images produced using, e.g., information contained in an applet. The graphics layer comprises OSD overlay(s) including graphical objects that are associated with applets stored in either subscriber or provider equipment. The OSD overlay(s) are displayed over the video layer. The control layer comprises a command processing and logical operations layer. The control layer retrieves the applets associated with graphic layer objects selected by a user, executes the applets, and provides video information to the video layer and object information to the graphics layer." (See, Applicants' specification page 13, line 30 to page 14, line 9).

Thus, the Applicants' invention is completely different from the Davis reference since the Applicants' invention sends a video stream comprising a video layer of the IPG from the service provider equipment, while the Davis reference merely discloses that data is sent from the service provider equipment. Nowhere is there any teaching or suggestion in the Davis reference does the data sent from the service provider equipment is or includes a video layer.

In particular, the set top terminal of the Davis reference includes a video display generator (VDG) 23 which includes a standard RGB video generator 24. The RGB video generator 24 takes the digital program schedule information set by microcontroller 16 and converts it into an RGB format in accordance with the bit map for the particular

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screen display then being presented to the user on the television receiver 27. (See, Davis, col. 10, lines 51-67). That is, the set top terminal of the Davis reference includes a video generator to convert the data sent from the service provider into a video signal. By contrast, the Applicants' invention does not require a VGA type graphics card to convert the data from the service provider into a video signal, since the guide page of the Applicants' invention initially is set as a video stream including a video layer having a plurality of title objects therein. Thus, it is not necessary to convert the data sent from the service provider into a video signal, as discussed in the Davis reference. Therefore, the Davis reference fails to teach each and every element of the claimed invention, as arranged in the claim, since the Davis reference fails to teach or suggest "a video layer comprising a plurality of title objects, wherein the video layer is derived from a video stream received from a transmission source."

As such, the Applicants submit that independent claim 7, and similarly independent claims 40, 45, 51, 58, and 62 are not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 8-39, 41-44, 46-50, 52-57, 59-61, and 63-65 respectively depend from independent claim 7, 40, 45, 51, 58, and 62 and recite additional features thereof. As such, and for at least the same reasons as discussed above, the Applicants respectfully request that these dependent claims are also not anticipated and fully satisfy the requirements under 35 U.S.C. §102 and are patentable thereunder. Therefore the Applicants respectfully request that the rejections be withdrawn.

PRIOR ART MADE OF RECORD BUT NOT RELIED UPON

The references cited and not relied upon have been studied, and it is submitted that their disclosures are not sufficiently pertinent to the claimed invention to warrant a detailed statement of the manner in which the present claims distinguish patentably over such references.

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CONCLUSION

Thus, the applicant submits that claims 1-65 are in condition for allowance.
Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon.J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted

2/10/04
Date

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